



SACHI A. HAMAI  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 24, 2016

To: Supervisor Hilda L. Solis, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: Sachi A. Hamai  
Chief Executive Officer

Board of Supervisors  
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First District

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Second District

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### **SACRAMENTO UPDATE - HUMAN TRAFFICKING LEGISLATION**

This memorandum provides an update on the status of County-advocacy legislation and County-interest legislation related to human trafficking and the commercial sexual exploitation of children. As previously reported, over 25 related measures were introduced this Legislative Session. Of these, 15 measures have successfully progressed to the second house, and must now pass a floor vote by August 31, 2016, in order to proceed to the Governor.

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#### **Change in Pursuit of County Position on Legislation**

**County-supported AB 1771 (O'Donnell)**, which as amended on August 2, 2016, would: 1) increase the maximum penalty of imprisonment from 6 months to one year in a county jail for persons convicted of directing and/or recruiting individuals into the sex trade; and 2) allow a juvenile court to dismiss charges against a minor who is alleged to have supervised or aided individuals in the sex trade if done so under coercion or duress, was amended on August 16, 2016, and August 19, 2016.

The August 16, 2016 amendments removed the increased criminal penalty provisions for individuals convicted of directing and/or recruiting individuals into the sex trade. Subsequently, on August 19, 2016, AB 1771 was substantially amended to remove all provisions related to human trafficking and now relates to school attendance. Therefore, **the Sacramento advocates will remove the County's support position on AB 1771 and take no position on this measure.**

*"To Enrich Lives Through Effective And Caring Service"*

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### **Status of County-Advocacy Legislation**

**County-supported AB 1276 (Santiago)**, which as amended on August 2, 2016, would authorize a minor 15 years of age or younger to testify in another place and out of the presence of a judge, jury, defendants, and attorneys in human trafficking cases, passed the Assembly Floor in concurrence of Senate amendments, by a vote of 79 to 0 on August 18, 2016. This measure now proceeds to the Governor.

**County-supported SB 1322 (Mitchell)**, which as amended on August 4, 2016, would: 1) make a minor under the age of 18 exempt from provisions that declare it a crime to engage in any act of prostitution; and 2) authorize peace officers to take the commercially sexually exploited minor into temporary custody and report the suspected abuse to the county child welfare agency, passed the Assembly Floor by a vote of 42 to 29 on August 18, 2016. This measure now proceeds to the Senate for concurrence in Assembly amendments.

### **Legislation of County Interest - Proceeding**

The following measures of County interest continue to progress through the legislative process.

#### **Relief from Prosecution**

**AB 1761 (Weber)**, which as amended on August 19, 2016, would create an affirmative defense against a charge of a nonviolent crime that was committed as a result of being a human trafficking victim, passed the Senate Floor by a vote of 36 to 1 on August 23, 2016. This measure now proceeds to the Assembly for concurrence in Senate amendments.

**AB 1762 (Campos)**, which as amended on August 19, 2016, would allow an individual convicted of a nonviolent crime while he or she was a human trafficking victim to apply to the court to vacate the conviction at any time after it was entered. Under this measure, a State or local prosecutorial agency would have 30 days from the date of receipt to respond to the application for relief. AB 1762 passed the Senate Floor by a vote of 26 to 11 on August 23, 2016, and it now proceeds to the Assembly for concurrence in Senate amendments.

**SB 823 (Block)**, which as amended on August 1, 2016, would allow an individual convicted of a nonviolent crime while he or she was a human trafficking victim to apply to the court to vacate the conviction at any time after it was entered. Under this measure, a State or local prosecutorial agency would have 45 days from the date of receipt to respond to the application for relief. SB 823 passed the Assembly Floor by a vote of 57 to 21 on August 23, 2016, and it now proceeds to the Senate for concurrence of Assembly amendments.

## **Programs and Protections for Human Trafficking Victims**

**AB 1702 (Stone)**, which as amended on June 16, 2016, would expand the court's ability to deny reunification services to the parent or guardian of a dependent child if the court finds that the parent or guardian participated in, or consented to, the sexual exploitation or human trafficking of the child, except if the parent or guardian was also victimized and coerced, was signed by the Governor on August 17, 2016. This measure is Chapter 124, Statutes of 2016, and it becomes effective on January 1, 2017.

**AB 1730 (Atkins)**, which as amended on August 19, 2016, would establish a pilot project in up to four counties, including the counties of Sacramento, San Diego, and Santa Clara to provide services to commercially sexually exploited minors, passed the Senate Appropriations Committee by a vote of 7 to 0 on August 11, 2016. This measure is currently on the Senate Floor.

**AB 2221 (Garcia)**, which as amended on August 18, 2016, would require, in a case involving a charge of human trafficking, that a minor who is a victim of human trafficking be provided with assistance from the local county Victim Witness Assistance Center if the minor so desires, passed the Senate Floor by a vote of 39 to 0 on August 23, 2016. This measure now proceeds to the Assembly for concurrence in Senate amendments.

**SB 1064 (Hancock)**, which as amended on August 18, 2016, would delete the January 1, 2017 sunset date of the Sexually Exploited Minors Project, making the program permanent in the County of Alameda, is currently on the Assembly Floor.

## **Reporting and Civil Actions**

**AB 1678 (Santiago)**, which as amended on August 15, 2016, would require law enforcement agencies to provide domestic violence incident reports to victims of human trafficking, sexual assault, stalking, or elder abuse, passed the Assembly in concurrence of Senate amendments by a vote of 80 to 0 on August 23, 2016. This measure now proceeds to the Governor.

**AB 1684 (Stone)**, which as amended on March 17, 2016, would: 1) authorize the Attorney General, a district or city attorney, or the Department of Fair Employment and Housing to investigate, mediate, and prosecute complaints alleging, and bring civil actions for, a victim of human trafficking; and 2) provide that any civil damages be awarded to the victim, was signed by the Governor on July 22, 2016. This measure is Chapter 63, Statutes of 2016, and it becomes effective on January 1, 2017.

**AB 2498 (Bonta)**, which as amended on August 19, 2016, would: 1) exempt disclosure of the names, addresses, and images of victims of human trafficking and their families pursuant to the California Public Records Act; and 2) would authorize a court to grant priority hearing to cases of human trafficking as appropriate, passed the Senate Floor by a vote of 39 to 0 on August 23, 2016. This measure now proceeds to the Assembly for concurrence in Senate amendments.

## **Consumers of the Commercial Sex Trade**

**AB 1708 (Gonzalez)**, which as amended on August 19, 2016, would recast commercial sex offenses into three parts, one applicable to a person who agreed to: 1) receive compensation in exchange for a sexual act; 2) pay compensation for a sexual act; or 3) pay compensation to a minor for a sexual act. In addition, AB 1708 would remove current judicial discretion on the imposition of a 72-hour minimum jail time imposed for solicitation of commercial sex, making this jail time mandatory. This measure passed the Senate Floor by a vote of 39 to 0 on August 23, 2016, and it now proceeds to the Assembly for concurrence in Senate amendments.

**AB 2147 (Eggman)**, which as amended on April 14, 2016, would provide that a vehicle used in a crime related to prostitution by a person buying or attempting to buy sexual services is subject to impoundment, passed the Senate Floor by a vote of 35 to 3 on August 15, 2016. This measure now proceeds to the Governor.

**SB 420 (Huff)**, which as amended on August 11, 2015, would recast commercial sex offenses into three parts, one applicable to a person who agreed to: 1) receive compensation in exchange for a sexual act; 2) pay compensation for a sexual act; or 3) pay compensation to a minor for a sexual act, is currently on the Assembly Floor.

## **Legislation of County Interest – Not Proceeding This Year**

The following measures of County interest failed to proceed in the legislative process and will not continue this year.

**AB 1595 (Campos)**, which as amended on March 29, 2016, would require a private or public employer that provides mass transportation services to train its employees in recognizing the signs of human trafficking and reporting those signs to the appropriate law enforcement agency, was held in the Assembly Public Safety Committee on May 27, 2016.

**AB 1675 (Stone)**, which as amended on June 9, 2016, would specify that a minor who engages in any act of prostitution is not subject to the delinquency jurisdiction of the juvenile court, but he or she may be adjudged as a dependent child of the court, was held in the Senate Appropriations Committee on August 11, 2016.

**AB 1731 (Atkins)**, which as amended on August 1, 2016, would create the Statewide Interagency Human Trafficking Task Force to: 1) gather statewide data on sex and labor traffickers, sex buyers, and human trafficking victims; 2) recommend interagency protocols for training and outreach to law enforcement, victim service providers, and other State and private sector employees likely to encounter sex trafficking; and 3) evaluate and implement approaches to increase public awareness about trafficking, was held in the Senate Appropriations Committee on August 11, 2016.

**AB 1760 (Santiago)**, which as amended on April 26, 2016, would prohibit the arrest or punishment of a minor who engages in any act of prostitution, and would instead allow the minor to be adjudged a dependent of the juvenile court, was held in the Assembly Appropriations Committee on May 27, 2016.

**AB 1822 (Irwin)**, which as amended on March 1, 2016, would require individuals convicted of soliciting commercial sex to successfully complete a sex trade buyer first offender program approved by the county probation department, if such a local program is available, was held in the Assembly Appropriations Committee on May 27, 2016.

**AB 1942 (Garcia)**, which as amended on April 13, 2016, would require a hotel or motel in the State to train its employees in recognizing the signs of human trafficking and reporting those signs to the appropriate law enforcement agency, was held in the Assembly Public Safety Committee on May 27, 2016.

**AB 2202 (Baker)**, which as introduced on February 18, 2016, would require the State Office of Emergency Services to award funds to district attorney offices that employ vertical prosecution programs, in which one attorney handles the case from the grand jury investigation through trial, for the prosecution of human trafficking crimes, was held in the Assembly Appropriations Committee on May 27, 2016.

**AB 2327 (Cooley)**, which as amended on March 28, 2016, would make it a crime to contact or communicate with a minor with the intent to commit human trafficking of, or unlawful sexual intercourse with, the minor, was held in the Senate Appropriations Committee on August 11, 2016.

**AB 2513 (Williams)**, which as amended on June 21, 2016, would authorize a court to consider, as an aggravating factor for purposes of determining a human trafficking sentence, that a defendant recruited, enticed, or obtained a victim from a shelter or placement designed to serve runaway youth, foster children, homeless persons, or victims of human trafficking or domestic violence, was held in the Senate Appropriations Committee on August 11, 2016.

**AB 2723 (Chavez)**, which as amended on March 18, 2016, would declare a child to be within the dependency jurisdiction of the juvenile court if the minor engages in any act of prostitution, and the minor's parent or guardian has failed to protect them, was held in the Senate Appropriations Committee on August 11, 2016.

**SB 776 (Block)**, which as amended on May 19, 2015, would: 1) increase the base fine for individuals convicted of soliciting commercial sex acts; and 2) require counties to direct 75 percent of the collected fines to services for victims of commercial sexual exploitation and sexual abuse, was held in the Assembly Public Safety Committee on June 28, 2016.

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**SB 1334 (Stone)**, which as amended on March 28, 2016, would require a health care practitioner to report to a law enforcement agency when a patient discloses that he or she is a victim of abusive conduct, inclusive of human trafficking, was amended on April 19, 2016. The amendments removed human trafficking as a crime constituting abusive conduct. This measure was held in the Assembly Appropriations Committee on May 27, 2016.

We will continue to keep you advised.

SAH:JJ:MR  
OR:PC:gl

c: All Department Heads  
Legislative Strategist